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October 6, 2022

BY ECF

Hon. Colleen McMahon
Daniel Patrick Moynihan United States Courthouse
for the Southern District of New York
500 Pearl St. Room 2550
New York, NY 10007-1312

USDC SDNY
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DATE FILED: 10/11/2022

Re: Jane Doe and John Doe v. Leonelli et al

Docket No.: 1:22-cv-3732-CM

Motion to Request an Adjournment of a Scheduled Conference/Hearing

Dear Judge McMahon:

MEMO ENDORSED

This morning your Law Clerk, Ms. Dikkers, and I spoke for our scheduled conference call. I explained that we had served Notices of Lawsuit and Request to Waive Service of a Summons, along with a copy of the Complaint, on all parties and their counsel, but that none had agreed to waive service of summons. Nevertheless, the parties have been in settlement discussions, and, while the plaintiffs hope to resolve the matter without disclosing their identities, we have told adversary counsel that we are prepared to amend the complaint and publicly reveal plaintiffs' identities should settlement negotiations fail.

Furthermore, we hope that any resolution will occur by November 24, 2022. Your Honor may be aware that is the date on which the New York Adult Survivors Act (ASA) goes into effect; if it should be necessary, the plaintiffs would intend to amend their newly non-anonymized complaint by including the provisions of the ASA. Our initial Complaint was filed when it was, in order to avoid any statute of limitations issues under the Gender-Motivated Violence Act of 2001, New York City Code §§ 8-101 & 8-901 et seq., which is cited in the original Complaint. This will allow us to amend our complaint just once after November 24, 2022 and retain that claim.

Therefore, we are requesting that the initial pretrial conference/Rule 16 conference be adjourned for 60 days from today to provide time for either a resolution before November 24, 2022, or alternatively for the filing of an amended complaint shortly thereafter along with the issuance and service of summonses. No previous requests for adjournments have been made. This request does not affect any other scheduled dates.

Sincerely,



Daniel Arshack
Counsel to Plaintiffs

10/11/2022
Conference adjourned
December 1st at 11:00 AM
In person: Courtroom
24A, Moynihan
Courthouse
HA